

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TIMOTHY CHARLES HAGBERG
Petitioner,

v.

Case No. 09-C-0669

WILLIAM POLLARD
Respondent.

ORDER

On July 8, 2009, Timothy Charles Hagberg filed a document that appears to be a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. However, the document does not substantially follow the standard form appended to the Rules Governing Section 2254 Cases, as required by Rule 2(d) of such Rules. Further, the document does not contain enough information to enable me to preliminarily review the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Therefore, I will dismiss the current petition on the ground that it does not comply with Rule 2 and allow petitioner an opportunity to file an amended petition. Petitioner is instructed that when he prepares his amended petition he should use this district's standard form for Section 2254 petitions, which the clerk of court will mail to petitioner along with a copy of this order. The amended petition must be filed on or before August 21, 2009.

I also note that petitioner has not paid the \$5 filing fee for this action. On July 16, 2009, he filed a petition to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Under § 1915, an indigent party may commence a federal court action, including a petition for habeas corpus relief, without paying required costs and fees, upon submission of an

affidavit asserting inability "to pay such fees or give security therefor" and stating "the nature of the action, defense or appeal and the affiant's belief that the person is entitled to redress." 28 U.S.C. § 1915(a)(1). Section 1915 is meant to ensure indigent litigants meaningful access to federal courts. Nietzke v. Williams, 490 U.S. 319, 324 (1989).

Petitioner has filed the required affidavit of indigence. Upon review of that affidavit, however, the court is satisfied that petitioner is able to pay the \$5 filing fee. Petitioner attests that he receives income of \$154.00 per month and that his expenses are only \$50.00 per month. Further, petitioner has \$513.91 in his prison trust accounts, including \$13.74 in his regular, non-release account. I will therefore deny petitioner's request to proceed in forma pauperis. Petitioner shall pay the \$5 filing fee to the clerk of this court on or before August 21, 2009 or this action will be dismissed.

THEREFORE, IT IS ORDERED that the petition is dismissed and that petitioner has until **August 21, 2009** to file an amended petition as instructed above.

IT IS FURTHER ORDERED that the clerk of court provide petitioner with a copy of this district's standard form for Section 2254 petitions.

FINALLY, IT IS ORDERED that petitioner's motion to proceed in forma pauperis is **DENIED** and that petitioner must pay the \$5 filing fee on or before **August 21, 2009** or this action will be dismissed.

Copies of the petition and this order will be mailed to respondent William Pollard and to the Attorney General for the State of Wisconsin, c/o Gregory Weber, Assistant Attorney General, P.O. Box 7857, Madison, WI 53707.

Dated at Milwaukee, Wisconsin, this 30 day of July, 2009.

/s _____
LYNN ADELMAN
District Judge